

REMARKS

Examiner has found the amendment filed on 12/13/2004 to be non-compliant due to missing parentheses bracketing the status identifier for claims 7 – 19. Applicant
5 has now resubmitted the amendment with the parentheses added.

Examiner has rejected claims 13-19 under 35 U.S.C. §101 as being directed to non-statutory subject matter. These claims have been cancelled, thereby making Examiner's rejection moot.

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Examiner has rejected claims 1-23 under 35 U.S.C. §103(a) as being obvious in view of the single reference US Patent No. 5,855,007 to Jovicic et al. ("Jovicic"). Jovicic discloses an electronic coupon communication system in which a consumer selects coupons at home while his computer is connected to a public computer network,
15 optionally prints the coupon on a printer, and effectively redeems the coupon upon completion of shopping. The consumer's selection of a coupon is identified to Internet coupon notification centers, where it is stored in a database. Verification of the coupon is achieved in a coupon redemption center (retail outlet) by comparison of the consumer's hardcopy print or other expression of the coupon's serial number. See col. 2,
20 lines 42-67. Jovicic extensively defines the characteristics of an electronic coupon (300) (see col. 6, line 49 - col. 7, line 40) and clearly states that such an electronic coupon, including the consumer's personal identification, is stored in the browsing memory (128) of the Internet Coupon Server (124). The consumer can print and provide a hardcopy of the electronic coupon to the coupon redemption center or the
25 consumer can send an e-mail copy of the electronic coupon to redeem the coupon. See col. 7, lines 46-55 and col. 3, lines 11-15. The redemption center is coupled to the Internet Coupon Center via an electronic data exchange network, public computer network, or a wireless network for approval of the coupon. See col. 11, lines 23-37. Jovicic suggests that the Internet node (102), i.e., the consumer's computer system,
30 could be a personal communicator that is coupled to the public computer network through wireless transmissions. See col. 5, lines 40-44.

Applicants contend that the claimed invention of claim 1 is clearly not disclosed in the teachings of Jovicic and that distinguishing elements are not made obvious by Jovicic. Claim 1 requires that there be "a merchant coupled to said coupon service provider and comprising a wireless receiver coupled to a redemption device." Jovicic states (using Applicants' terms, here) that the merchant could be coupled to the coupon service provider by a wireless network (col. 11, line 28). This is clearly not the same coupling as a wireless receiver to a redemption device. Jovicic does not suggest Applicants' coupling; there is no other cited art to suggest such a coupling; there is no stated motivation for such a coupling.

Moreover, claim 1 requires that "a tender of said coupon by said transportable communication unit made via said wireless receiver is conveyed to said coupon service provider." Thus, Applicants' wireless receiver is used to receive the tender of coupon from the transportable communication unit. As stated above, Jovicic does not teach a wireless receiver as required by Applicants' claimed invention. Jovicic does not teach or suggest anything wireless for reception of the user's tender of coupon at a redemption center (merchant). In fact, Jovicic's scant suggestion regarding a wireless user device (col. 5, lines 41-45) only implies that such a device should be coupled to the public computer network.

Applicants' claim 2 further limits claim 1 with, among other limitations, the limitation that the wireless receiver comprises a short range wireless transceiver and that the merchant comprises a computer coupled to both the short range transceiver and the redemption device to calculate a price. Jovicic does not teach, disclose, or suggest a wireless transceiver so connected or a computer-redemption device for calculating a price upon approval of a coupon. Examiner has claimed Official Notice that both the concept and the advantages of the elements and limitations of claim 2 are well known in the art and expected. Applicants have described elsewhere in this paragraph several elements which Applicants believe are not well known and therefore Applicants respectfully traverse Examiner's assertion. If Examiner has personal knowledge of Applicants' claimed elements absent from Jovicic, Applicants respectfully request an affidavit from the Examiner describing Examiner's knowledge in accordance with MPEP §2144.03.

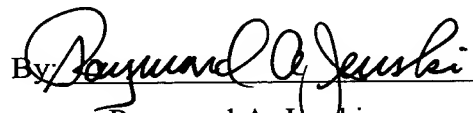
Applicants' claim 3 further limits the transportable communication unit of claim 1 with, among other limitations, the limitations that there be a first transceiver to communicate with the wireless network and a second transceiver to communicate the coupon tender to the redemption device. Jovicic's limited disclosure regarding a wireless user device suggests a first transceiver for communications with a wireless network. There is no teaching, disclosure, or suggestion that a user transportable communication unit comprise a second wireless transceiver or that such a second wireless transceiver be capable of tendering a coupon to a redemption device. Examiner has claimed Official Notice that both the concept and the advantages of the elements and limitations of claim 3 are well known in the art and expected. Applicants have described elsewhere in this paragraph several elements which Applicants believe are not well known and therefore Applicants respectfully traverse Examiner's assertion. If Examiner has personal knowledge of Applicants' claimed elements absent from Jovicic, Applicants respectfully request an affidavit from the Examiner describing Examiner's knowledge in accordance with MPEP §2144.03.

Claims 4-6 and 20-23 have limitations similar to those of claims 1-3 that are described and distinguished from Jovicic, above.

Applicants now believe that Examiner's rejections have been overcome in view of the amendment of claims and/or Applicants' argument, above, so that claims 1-6 and 20-23 are believed allowable. Examiner is respectfully requested to withdraw his rejections and pass the present Application, as amended, to allowance.

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Respectfully submitted,
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